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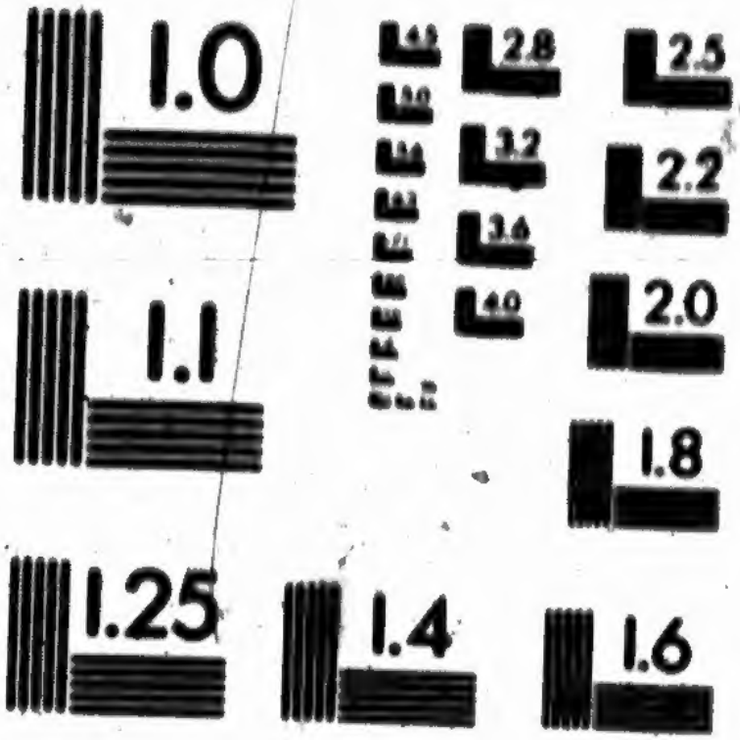

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CODE OF REFORM &
PRISON DISCIPLINE

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QUEBEC 1831

p46 ev 9 17

CODE

OF

REFORM AND PRISON DISCIPLINE

BEING

THE THIRD PART

OF

THE SYSTEM OF PENAL LAW

PREPARED FOR THE

STATE OF LOUISIANA.

BY EDWARD LIVINGSTON, L. L. D.

QUEBEC:

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CODE

OF

REFORM AND PRISON DISCIPLINE

PRELIMINARY CHAPTER.

SECTION I.

Design of the Code of Reform and Prison Discipline.

ART. . This Code is intended not only to direct the structure and police, of the prison for the confinement of convicts, but also of those which are rendered necessary for the detention of the accused before trial, for the education of juvenile offenders, and of a house of refuge and employment for those who have undergone the sentence of the law. All these objects are necessarily connected; no one part can be abstracted without materially injuring the effect of the others.

ART. . Safe custody is an object common to the prisons; but reform is the intent of all these institutions. Punishment also enters into the design of the Penitentiary, the School of Reform, and that department of the House of Detention destined to receive those convicted of misdemeanors; but forms no part of the system, so far as it applies to the custody of the accused before trial, and to their relief and employment after having suffered the sentence of the law.

ART. . In all these establishments the means by which reformation is expected, are, reflection, instruction, habits of industry, and religion. To promote these is one of the first duties of the men who are charged with the important and honourable task of superintending the different departments of these institutions.

ART. . Reformation cannot be expected while the vicious are permitted to associate with each other or with the innocent. This kind of seclusion, therefore, is a protection not a punishment; and is consequently necessary in the House of Detention and Refuge, as well as in the Penitentiary and School of Reform.

ART. . All the officers appointed under this Code, from the Inspector to the underkeeper, have a moral as well as a legal duty to perform. In no department of the government is there a greater call for the best qualities of the mind—a strong moral sense and unfeigned belief in religion (for they must be teachers of both), firmness in preserving order, moderation and temper in enforcing it, close attention to discover the evil propensities that have led to the crimes of the convicts, and a knowledge of human nature to apply the proper correctives. The officers of a prison are no longer jailors and turnkeys charged with the custody of the body only, they must minister to the diseased minds and correct the depraved habits of their patients. The law raises them to their true station. They have higher functions, and on the manner in which they shall perform them depends the success of the whole system to which this Code is intended to give vigor and effect.

ART. . This view of the intent of the law and of what it expects from the ministers who are to execute it, is placed at the introduction of the Code to impress them with a true view of the spirit which dictated it, and direct them, in those points in which the law may be made more efficacious, by a zealous and enlightened performance of their several duties.

ART. . From the magistrates and others, who are constituted visiters, much also is expected; the right given by this Code is not intended as a complimentary privilege, conferred only to satisfy curiosity. Publicity and the superintending care of upright magistrates and intelligent men, is the best incentive to a zealous performance of duty. Faithful and active officers will court their investigation; those who are negligent or corrupt, will fear it.

ART. . The progress of reform in the female department will depend chiefly on those of their own sex, who may accept the invitation given by the law, to carry their example and precept, and persuasive exhortation to the place of punishment, and convert it into a school for religion, industry, and virtue.

SECTION II.

Division of the Work.

ART. . This Code is divided into three Titles. The first treats of the different places of confinement, their construction, and officers; the second directs the treatment of the persons confined; and the third contains the regulations for the House of Refuge.

TITLE I.

PLACES OF CONFINEMENT—OF THEIR CONSTRUCTION AND OFFICERS.

CHAPTER I.

Of Places of Confinement

SECTION I.

Of the different denominations of Places of Confinement.

ART. . There shall be provided at the expense of the State, in such place in the first judicial district as the General Assembly shall direct, three separate and distinct places of confinement.

ART. . One of these shall be called the HOUSE OF DETENTION. In this shall be confined:

1.—Persons who, in the cases allowed by law, are detained in order to secure their attendance as witnesses on criminal trials in the first district.

2.—Those who are committed for trial on an accusation of MISDEMEANOR in the first district.

3.—Persons sentenced to simple imprisonment (whether in close custody or not) for any period, whether in the first district, or in any other district for more than sixty days.

4.—Those who may be committed for a disturbance in court, for any such disobedience to the orders of a court or a magistrate as may be punished by imprisonment, for the non-payment of a fine, or for the breach of a recognizance, or any other engagement entered into in the course of a prosecution for an offence, in the first district, in the cases where such confinement is authorized.

5.—All those who may, in the first district, be committed for trial on an accusation of CRIME.

ART. . Another of the said places of confinement shall be called the PENITENTIARY. In which shall be confined all those convicted of crime in any part of the State, who, at the time of conviction, had attained the age of eighteen years.

ART. . The third shall be called the SCHOOL FOR REFORM. In it shall be placed:

1.—All those convicted of crime (not punishable by imprisonment for life) who have not attained the age of eighteen years, in whatever part of the State the conviction may have been had.

2.—All persons under the age of eighteen years who shall be sentenced to be placed in

the said prison, on conviction, for misdemeanor, in cases where power for that purpose is specially given by law.

3.—All young vagrants whose commitment shall, under that denomination, be permitted by law.

Art. . Prisoners committed before trial, and offenders sentenced to simple imprisonment for a term less than sixty days, in any part of the other judicial districts, except the first, shall be confined in the Jail of the parish in which they shall be committed, or in which they shall be sentenced.

Art. . Offenders sentenced to simple imprisonment in any part of the State, for any term exceeding sixty days, shall be confined in the House of Detention.

Art. . While imprisonment for debt continues to be authorized by the laws of the State, it must be regulated by the civil law, and this Code contains no other provision in relation to it than that contained in the following article.

Art. . No person shall be imprisoned in any of the three places of confinement directed to be provided by this chapter, in pursuance of a final judgement, or for want of bail, in a civil suit.

SECTION II.

Of the Construction of the different Places of Confinement.

Art. . The House of Detention shall be so constructed as to keep, in four divisions, entirely separate the one division from the other, the prisoners comprehended in the following classes:

1—The first class shall consist of the male persons described in the first, second, third, and fourth numbers of the enumeration contained in the second article of the preceding section.

2.—The second class shall consist of female prisoners of the above description.

3.—The third class shall consist of male persons committed for trial on an accusation of crime.

4.—And the fourth class shall consist of female prisoners confined for trial on an accusation of crime.

Art. . This building must also contain separate accommodations for each individual of the third and fourth classes, and for each of the persons who shall be sentenced to simple imprisonment in close custody; and two enclosed yards—the one for the male and the other for the female prisoners of the other classes, in which they may take exercise and pursue such employment as is hereby permitted.

Art. . The Penitentiary shall be so constructed as to contain.

1.—Cells for those sentenced to solitary confinement for murder.

2.—Ranges of separate cells, one for each convict, with an enclosed court for each cell.

3.—An hydraulic or other machine to be put in operation by manual labour, so disposed that a convenient number of prisoners may work at it, separated from each other by a wall.

4.—School-rooms sufficient for the instruction of a class of persons.

5.—An Infirmary.

6.—All other necessary buildings for the safe-keeping and support of the prisoners and for the preservation of their health.

Art. . The Penitentiary shall also have a separate enclosure, containing similar cells for female convicts, so disposed as to prevent all means of communication with the male convicts.

Art. . The School for Reform shall contain:

1.—Separate divisions for the sexes.

2.—A separate dormitory for each prisoner.

3.—Proper courts or shops for the employment of the prisoners.

4.—A school-room for each division.

5.—An Infirmary.

Art. . Each of the three places of confinement described in this section shall be so constructed as to be separate from the others; and if for the convenience of building they should be contained in the same outer wall or enclosure, they must be so arranged as to give the prisoners in the one no means of communication with those in any other.

Art. . All the prisons must be so constructed as to be at all times completely ventilated, and in winter warmed by flues communicating with the different cells.

CHAPTER II.

Of the Officers and Attendants of the several Places of Confinement and their several Duties.

SECTION I.

Of the Appointment of the Officers.

Art. . There shall be appointed by the Governor, for the several places of confinement above mentioned, the following officers and attendants:

Art. . For the House of Detention, a Warden and a Matron. The Warden with the approbation of the Inspectors herein after mentioned, shall name so many under-keepers, and the Matron, with the like approbation, so many assistants as by the Inspectors shall be deemed necessary for the safe keeping of the persons committed to their charge, and for the necessary attandance on them.

Art. . For the Penitentiary, a Warden, a Matron, a Teacher, a Physician, two Chaplains, and a Clerk.

Art. . The Warden and Matron shall respectively appoint so many assistants as the Inspectors shall deem necessary.

Art. . For the School of Reform, a Warden, a Matron, and a female Teacher; and the Keeper and Matron shall respectively appoint so many assistants as the Inspectors shall deem necessary.

Art. . The Physician and the Chaplains appointed for the Penitentiary shall also attend the two other places of confinement; and the Teacher of the Penitentiary shall instruct such of the persons confined in the House of Detention as choose to receive lessons, at such times as shall be directed by the Inspectors.

SECTION II.

Of the Board of Inspectors and their Duties.

Art. . The Governor shall appoint five persons to form a Board of Inspectors.

Art. . The duties of the Inspectors shall be to visit the House of Detention, the Penitentiary, and the School of Reform, at least once in every week, to see that the duties of the several officers and attendants are performed—to prevent all oppression, peculation, or other abuse, in the management of the several institutions; and to report to the Legislature such means as may suggest themselves for their improvement.

Art. . They shall also, with the approbation of the Governor, form rules for the government of the several places of confinement and the employment of the persons confined therein not inconsistent with this Code. They shall direct the purchase of all implements and materials for the manufactures carried on therein, and the sale of the articles manufactured which are not wanted for the use of the prisoners, and they shall direct the manner in which all purchases of provisions and other supplies for the prisoners shall be made.

Art. . The Inspectors shall cause accurate accounts to be kept in separate sets of books of all expenditures and receipts in each of the places of confinement.

Art. . They shall on or before the first day of December, in every year, make a report in writing to the Legislature, of the state of the said places of confinement and of the House of Refuge. The report shall contain the name, age, sex, place of residence and nativity, time of commitment, term of imprisonment, profession or trade prior to commitment, and employment in prison, of each person who has been committed during the preceding year to either of the said places of confinement: noticing also those who may have escaped, or died,

or who were pardoned, or discharged, designating the offence for which the commitment was made, and whether for a first or repeated offence, and when and in what court, or by whose order; and in such return the Inspectors shall make such observations and give such information as they may deem expedient for making the said institutions effectual in the punishment and reformation of offenders.

ART. . The Inspectors have power to examine any person on oath, relative to any abuse in the said places of confinement, or other matter within the purview of their duties.

ART. . They have power to make rules for the preservation of prison discipline and for promoting industry, morals, and education, in the said several institutions, which shall not be contrary to any provisions of this Code or of other law, and to impose and cause to be inflicted the punishments they shall have ordained for the breach of such rules, and for all such infractions of prison discipline, as are made punishable by this Code.

ART. . They shall direct in what manner the rations for the subsistence of the prisoners shall be composed, in conformity with the general directions on that subject herein after contained.

ART. . They shall also perform such duties as are required of them in the subsequent parts of this Code.

ART. . Each Inspector shall have the right to visit and inspect the said places of confinement and House of Refuge whenever he shall deem it expedient; and the Keepers, Wardens, Clerks, and other officers of the several prisons are bound to submit to them, or either of them, whenever called on, the books, papers, and accounts, belonging to the prisons, to which such officers belong, and to admit them to the prisoners therein confined.

ART. . It is the duty of the Inspectors to call at least once in every three months upon the proper officers of each place of confinement for an exhibition of the accounts, to examine the same, and compare the entries with the vouchers; to examine the persons employed in the said places of confinement on oath, whenever it shall be deemed necessary, and to repress any abuses or oppressions that may come to their knowledge, to the Governor, if any of the officers appointed by him are implicated therein, or themselves to reprimand or dismiss any other person employed when it is found necessary.

ART. . The Inspectors in their weekly visits to the several places of confinement shall speak to each prisoner confined therein, out of the presence of any of the persons employed therein; shall listen to any complaints that may be made of oppression or ill conduct of the persons employed; examine into the truth thereof, and proceed therein according to the directions of the last preceding article when the complaint is well founded; and on such visits they shall have the calendar of the prisoners furnished to them by the Warden, and each Inspector shall examine whether all the prisoners named in the said calendar are found in the said prisons in that situation in which by the said calendar they are declared to be.

ART. . They shall also hear and determine all charges of breach of prison discipline that shall be exhibited against any prisoner, when the punishment to be inflicted is close confinement for more than twenty-four hours.

ART. . A majority of the said Inspectors shall constitute a Board, and may do any of the

acts required of the said Inspectors by this Code. Two of the Inspectors shall be a quorum for the weekly visitations hereby directed to be made.

Art. . The Governor, the President of the Senate, the Speaker of the House of Representatives, the Mayor of the City of New Orleans, the Judges of the Supreme Court, of the Criminal Court, and of the First District, the Attorney General, and the Directors of the Asylum for Orphan Boys, are authorized to attend the meetings of the Inspectors, to take part in their deliberations, but not to vote, to attend their weekly inspections; and each of the persons above mentioned may do any act which the said Inspectors individually are authorized to perform.

Art. . Each of the Directresses of the Poydras Asylum, the members of any female society that shall be formed for that purpose, are permitted and requested to exercise all the powers and perform all the duties with respect to the female prisoners in either of the establishments, that any individual Inspector is hereby authorized to perform.

Art. . Each Inspector shall receive for every day's attendance in the performance of the duties required by this act the sum of dollars, provided the same shall not amount, in any one year, to more than dollars.

Art. . It is made the important and special duty of the Inspectors, in their individual or joint visits to the convicts, to enter into friendly conversation with them, to impress on their minds the importance of moral and religious instruction, of industry, and orderly conduct, and to encourage them to a perseverance in this course by a promise of aid and patronage, in the manner herein after directed on their discharge.

Art. . The Inspectors shall have power to make contracts for the labour of the convicts in the Penitentiary and School of Reform, with such mechanics as will learn them a useful trade, under the restrictions prescribed in the Chapter concerning the treatment of the convicts.

Art. . No Inspector, nor any officer or other person employed in any of the said places of confinement, shall sell any article for the use of either of them, or of the persons confined therein during their confinement, or shall purchase any of the manufactures made therein, or derive any emolument from such purchase or sale either to himself or to any relation in the ascending or descending line, or any collateral within the third degree, other than such emolument as is herein after expressly allowed; and any offender against this provision shall be fined five hundred dollars and imprisoned in close custody thirty days.

Art. . No work shall be performed nor any article manufactured by any of the prisoners for the use of any of the Inspectors or officers of either of the prisons, or of any of the attendants employed therein, or for the use of the families of either of them; nor shall they or either of them receive under any pretence whatever from either of the said prisoners, or any one on his behalf, any sum of money or gift of any assignable value, under the penalty of five hundred dollars fine, and six months imprisonment in close custody.

Art. . The Inspectors have power, in case of the necessary and temporary absence or disability of either of the Wardens, or of any of the officers employed in either of the prisons, to employ a substitute during such absence or disability; which substitute shall, for the time being, perform all the duties, have all the authority, and be liable to all the penalties as the officer himself.

SECTION III.

Of the Duties common to the Wardens of the Penitentiary, House of Detention, and of the School of Reform.

Art. . Each of the said Wardens shall reside in the prison over which he presides.

Art. . Each of them shall visit every cell and apartment, and see every prisoner under his care at least once in every day, and when he visits the female prisoners, he shall be accompanied by the Matron.

Art. . They shall each keep a journal, in which shall be regularly entered the reception, discharge, death, pardon, or escape, of any prisoner; and also, the complaints that are made and the punishments that are inflicted for the breach of prison discipline, as they occur, the visits of the Inspectors, the Chaplain and the Physician, and all other occurrences of note that concern the state of the prison, except the receipts and expenditures, the accounts of which are to be kept in the manner herein after directed.

Art. . On the commitment of a prisoner accused of Crime in the House of Detention, and when convicted of a crime on his entrance in the Penitentiary or School of Reform, there shall be entered on the journal the sex, age, apparent height, and accurate description of the person, last place of abode, and nativity of the prisoner.

Art. . On the death of any prisoners, the Warden shall immediately give notice to the Board of Inspectors, and shall take the measures directed by the Code of Procedure for summoning a jury of inquest.

Art. . The Wardens shall severally make a report in writing to the Governor every six months of all the persons in custody, specifying the times of commitment and discharge, by pardon or expiration of sentence, or acquittal, and the escape or death and removal from the one prison to another of each person who has been in their custody, severally, during the preceding six months, together with the general state of the prison, and such observations and information as the Warden may think necessary, or as the Governor or Inspectors shall direct.

Art. . The Wardens shall appoint the under-keepers, and dismiss them at their pleasure.

Art. . They shall see that the duties required by this Code in their respective prisons are performed by the several officers thereof, and shall report any default both to the Governor and to the Board of Inspectors.

Art. . The Wardens severally have power to arrest and conduct before a magistrate for examinement any person who shall make himself liable to any penalty under this Code.

Art. . Each Warden shall put up in every apartment and cell of the prison under his care a printed copy of the rules for the government thereof, and shall cause them to be explained to those who cannot read or are unable to understand them.

Art. . He shall report all infractions of the rules to the Inspectors, and with the appro-

bation of one of them, may punish the offender in the manner directed in the Chapter concerning the treatment of prisoners.

Art. . No Warden shall absent himself from the prison under his care for a night, without permission, in writing, from one of the Inspectors, or in the execution of some duty that requires such absence, or by reason of some unforeseen accident which renders it necessary; and whenever such absence occurs, it is to be noted on the journal.

Art. . The Warden shall not be present when the Inspectors make their stated visits to the prisoners under his care.

Art. . The further duties and powers of the Wardens in their respective prisons, are detailed in the Chapter relative to the reception and treatment of prisoners, and in other parts of this Code.

SECTION IV.

Of the Duty of the Under-Keepers in the Penitentiary and House of Detention.

Art. . The under-keepers must be men of sobriety, honesty, and industry. They must understand reading, writing, the first rules of arithmetic, and must speak, for the common purposes of life, the French and English languages.

Art. . It is the duty of the under-keepers to visit each prisoner three times in every day, to see that his meals are regularly delivered according to the prison allowance; to set those to work who are permitted or condemned to labour; and to see that they are instructed therein, according to the rules established by this Code, and to the further directions of the Warden.

Art. . Whenever any convict shall complain of such illness as to require medical aid, the under-keeper shall immediately give notice to the Physician.

Art. . Each under-keeper shall have a certain number of prisoners assigned to his care.

Art. . He shall make a daily report to the Warden, of the health, conduct, and industry of the prisoners, and a like report to the Inspectors when required.

Art. . No under-keeper shall be present when the Warden or the Inspector visits the prisoners under his particular care.

Art. . The under-keeper shall obey all legal orders given by the Warden for the government of the prison. They shall be removeable by him at pleasure; and by the Inspectors on proof of ill conduct in their office. All orders to the under-keepers must be given through or by the Warden.

Art. . They must remain in the prison night and day, and shall not be employed either by the Warden or the Inspectors in any other place. They shall not absent themselves without permission from the Warden.

ART. . The under-keepers shall act also as guards; for which purpose arms and munitions shall be provided by the State, to be put into their hands by the Warden when they are on guard, and at other times when circumstances require it; but in their daily occupations they are not to be armed.

ART. . No under-keeper shall receive from any one confined in either of the said prisons, or from any one in behalf of such prisoner, any emolument or reward whatever, or the promise of any, either for services or supplies, or as a gratuity; under the penalty of fine of one hundred dollars and imprisonment for thirty days; and when any breach of this article shall come to the knowledge of the Warden or Inspectors, the under-keepers offending shall be immediately discharged.

ART. . The compensation of the under-keepers shall be

SECTION V.

Of the Duties of the Chaplains.

ART. . The Chaplains shall be, the one a Clergyman of the Catholic Church, the other of some one of the Protestant persuasions; each shall receive a salary of

ART. . The Catholic Chaplain shall, at least twice in every week, visit every person of his own persuasion in the Penitentiary and School of Reform, and such persons as are confined in the House of Detention in close custody.

ART. . The Protestant Chaplain shall, in like manner, perform the same duty to all the prisoners who are of any Protestant persuasion.

ART. . It is the duty of both to instruct the prisoners under their care in the duties of religion and morality; to exhort them to repentance and amendment; to show the folly and danger of vice; and to encourage those who are confined for a term of years with the hope of being reinstated in the good opinion of the world by a perseverance in the principles of honesty and the practice of industry; to impress on their minds that it is not their punishment but their crime that had degraded them, and that sincere repentance and amendment may cause both to be forgotten by man, as the sin will surely be forgiven by God. To those sentenced to confinement for life, they must hold out no fallacious hope of pardon, but teach them to fix their hopes on another world, and prepare for it by contrition and repentance.

ART. . The Catholic Chaplain shall have free access to the cells of all the Catholic convicts; and the Protestant Chaplain to those of the Protestant convicts; and either of them to the cell of any convict of any religion who requests it.

ART. . Any Clergyman of any religion or religious sect may be admitted to see any convict who may require his attendance, or at his own request, at proper and reasonable hours, under the direction of the Warden or Inspectors.

ART. . The Chaplains shall be furnished with forms of returns which shall contain the names of the prisoners, with blank columns, in which, shall be entered, by the Chaplain, the date of each visit he shall pay, and opposite to each name the observations he may make on the character and demeanor of the convict with respect to his moral and religious improvement.

Art. . Each of the said Chaplains shall perform divine service at least once on every Sunday in the School of Reform.

Art. . Selections from Scriptures, and such other books of religious and moral instruction as shall be recommended by the Chaplains and approved by the Inspectors, shall be distributed among the convicts.

SECTION VI.

Of the Qualifications of the Teachers, and the Duties of the Teacher of the Penitentiary.

Art. . The Teachers must be men of good moral characters; they must understand the French and English languages, and be capable of teaching reading, writing, arithmetic, book-keeping, navigation, and land surveying. They need not reside in the prison.

Art. . The Teacher of the Penitentiary, for the first six months after the convict shall be confined therein, must attend at the cells and working courts of all the male convicts who cannot read and write, and give separate lessons, in turn, to as many of them as his time will permit, calculating seven hours in each day, in every day, Sundays included.

Art. . At the end of the said six months he may form classes, not exceeding eight in each class, of such of the convicts as shall have obtained favourable certificates of conduct during that period, as to industry, morality, and order, from the Warden and Chaplain, which class he shall assemble, at least once in every two days, in the school room for instruction, for the space of one hour.

Art. . No convict shall be admitted into a class until after he has obtained such certificate, and shall be degraded therefrom for misconduct for a greater or less interval, according to the nature of the offence and the sentence of the Inspectors.

Art. . Those convicts who can write and read, but who are desirous of instruction in any of the other branches taught by the Teacher, may also be instructed in their cells after three months good behaviour, certified as aforesaid, and may be admitted into a class on a like certificate of six months.

Art. . Convicts condemned to imprisonment for life cannot be admitted into a class — They may receive such instruction, if they need and deserve it, as will enable them to read, but it must be given in their cells or courts.

Art. . The Teacher shall make rules for the preservation of discipline and order in the several classes, which he shall submit to the Inspectors and the Warden, and, if approved by them, shall be in force; but no punishment shall be inflicted greater than those directed by the rules established in this Code.

Art. . The individuals who are to compose the different classes shall be designated by the Teacher with the approbation of the Inspectors, after they shall have consulted the Warden.

Art. . One rule of the instruction by classes shall be, that no conversation shall be permitted between the individuals composing it on any other subject than that relating to the

art or science in which they are instructed; and to enforce this rule, it is made the duty of the Teacher never to leave the class while they, or any two of the individuals composing it, are assembled.

Art. . The individuals composing the class shall be conducted by an under-keeper separately to and from the place of instruction, and shall not, on any pretence whatever, be suffered to speak to any one by the way.

Art. . The Teacher may with the approbation of the Inspectors, select one or more of the convicts of sufficient instruction and ability, who has been committed for a term of years, to assist in the duties of his office, provided no person shall be selected who has not a certificate of good behaviour for at least two years, both from the Chaplain and Warden; and until the expiration of the said two years, and until such selection shall be made, the Inspectors are authorised, if they deem it necessary, to employ such assistant, at a salary not exceeding two-thirds of that given to the principal teacher.

Art. . If any convict shall have, prior to his commitment, cultivated any of the arts, of painting, sculpture, or architecture, as a profession, or, in the opinion of the Inspectors, shall have a decided genius for either of them, he shall, after obtaining a certificate of six months good behaviour, be permitted to employ a portion of the time allotted for labour, not exceeding one hour in each day, to his improvement therein; and per cent. of his earnings, after paying for his support, shall, if he request it, be appropriated to the purchase of implements and materials for the business; provided, that this indulgence shall be suspended or forfeited, at the direction of the Inspectors, by any breach of the rules of the prison.

Art. . Convicts committed for a term of years, who cannot read, write, and cipher, may be punished, by order of the Inspectors or the Warden, for refusing to receive instruction therein. All other scientific instruction is an indulgence to be obtained only by a perseverance in good behaviour.

Art. . The female convicts who are uninstructed in reading and writing and the first rules of arithmetic, shall be taught by the Matron, or such assistant as the Inspectors may direct, and at such hours as they shall appoint.

SECTION VII.

Of the Duties of the Teacher of the School of Reform.

Art. . The Teacher of the School of Reform must possess the same qualifications that are required in the Teacher in the Penitentiary. He need not reside in the establishment.

Art. . He shall instruct the male and female departments of the School of Reform in the several branches of learning, at the times and in the manner prescribed for that purpose in the Chapter of this Code relative to instruction in the School of Reform.

Art. . He shall receive a yearly salary of dollars.

SECTION VIII.

Of the Duties of the Physician.

ART. . The Physician shall visit every prisoner in the prison twice in every week, and oftener if the state of their health requires it, and shall report once in every month to the Inspectors.

ART. . He shall attend immediately on notice from the Warden or Keeper that any person is sick.

ART. . He shall examine every prisoner that shall be brought into the Penitentiary and School of Reform before he shall be confined in his cell.

ART. . Whenever, in the opinion of the Physician, any convict in the Penitentiary, or School of Reform, is so ill as to require removal, the Warden shall direct such removal to the Infirmary of the institution in which he is confined; and the prisoner shall be kept in the Infirmary until the Physician shall certify that he may be removed without injury to his health, and he shall then be removed to his cell.

ART. . He shall visit the patients in the Infirmary at least once in every day, and he shall give such directions for the health and cleanliness of the prisoners as he may deem expedient, which the Warden shall have executed, provided they shall not be contrary to the provisions of this Code, or inconsistent with the safe custody of the said prisoners; and the directions he may give, whether complied with or not, shall be entered on the journal of the Warden and on his own.

ART. . The Physician shall inquire into the mental as well as the bodily state of every prisoner; and when he shall have reason to believe that the mind or body is materially affected by the discipline, treatment, or diet, he shall inform the Warden thereof, and shall enter his observations on the journal, herein after directed to be kept which shall be an authority for the Warden for altering the discipline, treatment, or diet, of any prisoner until the next meeting of the Inspectors, who shall inquire into the case, and make orders accordingly.

ART. . He shall have power to detain any one infected by a contagious or infectious disorder to be separated from the other prisoners; and if three other licensed practitioners of physic shall certify, that the disease is infectious, and that the prisoner cannot, without danger to the others, be kept within the walls of the prison, the Inspectors shall make an order for his removal and confinement elsewhere, until he shall die or recover.

ART. . The Physician shall keep a journal, in which, opposite to the name of each prisoner, shall be entered the state of his health, and of his, whether in the Infirmary, or not, together with such remarks as he may deem important; which journal shall be open to the inspection of the Warden and the Inspectors; and a fair abstract, together with the reports provided for in the first article of this section, shall be laid before the Inspectors once in every month, or oftener if called for.

ART. . The prisoners, under the care of the Physician, shall be allowed such diet as he shall direct.

Art. . No prisoner shall be discharged while labouring under a dangerous disease, although entitled to his discharge, unless by his own desire.

Art. . The Infirmary shall have a partition between every two beds, and no two patients shall occupy the same bed; and the Physician and his attendants shall take every precaution in their power to prevent all intercourse between the convicts while in the Infirmary.

Art. The Physician shall select from among the young delinquents in the School of Reform two or more who have given evidence to the satisfaction of the Warden, the Teacher, and the Chaplain, of determination to reform, and who shall have made sufficient progress in their education, as his assistants in the two Infirmaries, to whom he shall teach the art of compounding and administering remedies, and such other branches of medical knowledge as they may be capable of acquiring; which assistants shall be employed in the care and attendance on the sick, and shall be exempt from all other labour while they preserve the confidence of the Physician and are guilty of no breach of the rules of prison discipline.

SECTION IX.

Of the Duties of the Clerk of the Penitentiary.

Art. . The Clerk shall, under the direction of the Inspectors, keep regular accounts of all the expenses of the Penitentiary, of the proceeds of the articles manufactured therein, and of the purchase of materials to keep the convicts employed, when they do not work by contract, as is herein after provided. He shall also open an account with each convict, in which such convict shall be charged with the cost of his prosecution and conviction, and with his maintenance in prison, including only his food and clothing and such drugs and medicines as he may be supplied with; and shall be credited with his labour at such estimation of its value as shall be equitable, according to its quantity and quality, agreeable to the rates paid for like labour in the City of New Orleans; or (when he works by contract) according to the contract price of such labour.

Art. . The Inspectors shall direct the mode in which the accounts shall be kept, and shall direct the agent they shall employ for making purchases and for selling the articles manufactured in the Penitentiary, (which agent shall in no case be the Clerk); to furnish the Clerk with accounts and bills of all such purchases and sales.

Art. . The Clerk shall deliver to the agent all such articles manufactured in the prison as are not done for manufacturers by contract, and which are not wanted for the use of the same, keeping an account as well of what is so wanted and retained, as of what is delivered.

Art. . The books of accounts shall be kept in the prison, and shall be open to the inspection of the Warden and the Inspectors.

Art. . The Clerk shall keep a regular account of all the furniture, tools, and implements of trade, provided for the prison, and shall submit the same to the Inspectors.

Art. . He shall receive such remuneration for his services as shall be determined by the Inspectors, not exceeding dollars per annum.

SECTION X.

Of the Duties of the Matrons.

ART. . The Matrons shall reside in their respective prisons. They and their female [illegible] shall, under the direction of the Inspectors, have the exclusive care and superintendence of the female convicts. No male person, except the Chaplain, shall be permitted to visit them but in the presence of the Matron.

ART. . She shall employ them in making, mending, and washing the clothing [illegible] prisoners. She shall cause them to be taught needle-work and other employments of housewifery, keeping them all apart at night, and as much as the nature of their employment will allow during the day. She shall report daily to the Warden all infractions of order, or other material occurrence; and shall inflict such punishment, consistent with this Code, as the Inspectors and Teacher shall direct.

TITLE II.

OF THE TREATMENT OF THE PRISONERS IN THE SEVERAL PLACES OF CONFINEMENT.

CHAPTER I.

Of the Prisoners confined in the House of Detention.

ART. . The prisoners of the first class, that is to say, those confined in order to secure their attendance as Witnesses, shall be under no other restrictions than that which is absolutely necessary to prevent their escape from the prison. Good [illegible] wholesome food, comfortable bedding, and other necessaries, shall be provided for them at public expense, or they may be allowed to provide it for themselves; and every such [illegible] be immediately liberated on his giving the security for his appearance to testify, [illegible] required by law.

ART. . Those who are committed for want of bail, in the first district, on an accusation of misdemeanor;

[illegible] who are condemned to simple imprisonment (not in close custody), in the first district, [illegible] received on a like sentence from any other district:

[illegible] who may be committed for the non-payment of a fine, or for the breach of a recognizance or other engagement, entered into in the course of a prosecution for an offence:

Form a second class of prisoners. They need not be separated from each other during the day, but each shall be lodged at night in separate dormitories unless the numbers in the prison shall render it impossible.

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ART. . Those who are committed for want of bail on accusations of crime, form a third class. These shall be kept in separate cells or apartments both night and day, and shall have no communication whatever with each other.

ART. . All the above classes of prisoners shall be entitled to good wholesome food and drink, according to the prison regulations herein after provided for, and to beds and bedding, at the public expence; or they shall be permitted to purchase or receive such food and beds, of a better quality, at their own expense, also under the restrictions contained in the prison regulations.

They may receive the visits of their families and friends, and their counsel, at all reasonable hours.

They shall be allowed the free use of books, of pen, ink, and paper, at their own expense.

ART. . The prisoners sentenced to close confinement, shall each be confined in a separate apartment or cell, furnished with the prison allowance of bedding, and a chair, and a table, but may provide their own bedding if they think fit. They shall be restricted to the prison allowance of drink and food, unless the Court shall order differently in the sentence, or the Physician shall officially certify that their health will be impaired by confining them to it.

They shall not be permitted to receive any society in their places of confinement, without permission of two of the Inspectors in writing, and the time of such visit shall be prescribed and limited in the permission, and shall in no case exceed one hour at a time.

They shall not be debarred the privilege of consulting with their counsel, or receiving the visits of the Physician and Chaplains, at all reasonable times.

ART. . No prisoner in this house shall be forced to perform any labour. No prisoner shall be confined in irons; but if he shall have made an attempt to break the prison, or have assaulted the Keeper or other person employed in the house, he may be confined in a straight-jacket or arm straps.

ART. . All the prisoners in this house may be permitted to work at such trades and manufactures as they may desire and may be deemed by the Inspectors proper to be carried on in the house, without infringing the rules herein before laid down; and the Inspectors shall provide the tools and implements and the materials for carrying on such manufactory as they may deem expedient, and shall allow to such of the prisoners as may choose to work thereat three-fourths of the net proceeds of their labour, and shall pay the same as it is earned to the prisoner; the other fourth shall be deposited in Bank in the manner herein after directed.

ART. . The daily allowance of food to a prisoner in the House of Detention shall be the same as is allowed to a soldier in the army of the United States. The bedding shall be the same as is directed for the prisoners in the Penitentiary.

ART. . The Inspectors shall make prison regulations for the preservation of order in the House of Detention, not inconsistent with this Code, and for the supply of food and other accommodations to such of the persons detained as are allowed to procure the same at their own expense; but no wine or spirituous liquors shall be introduced but by the order of the Physician, stating that the health of the party, in whose favour it is given, requires it.

CHAPTER II.

Of the Treatment of the Prisoners in the Penitentiary.

SECTION I.

Of the Reception of the Convicts.

ART. . Every convict sentenced to imprisonment in the Penitentiary shall, immediately after the sentence shall have been finally pronounced, be conveyed by the Sheriff of the Parish in which he was condemned, to the Penitentiary, under secure guard; and when it shall be deemed necessary, the officer commanding the regiment of the place where the Court sits, shall furnish a guard for that purpose, on the order of the Court signed with his mandate.

ART. . On the arrival of a convict, immediate notice shall be given to the Physician, who shall examine the state of his health; he shall then be stripped of his clothes and clothed in the uniform of the prison, that is suited to his offence, in the manner herein after provided, being first, if necessary, bathed and cleaned.

ART. . The convict shall then be examined by the Clerk and the Warden, in the presence of as many of the under-keepers as can conveniently attend; and his height, apparent and alleged age, complexion, colour of hair and eyes, and length of his feet to be accurately measured, shall be entered in a book provided for that purpose, together with such other natural or accidental marks, or peculiarity of feature or appearance, as may serve to identify him; an instrument shall also be provided by which the profile of his face shall be delineated, and it shall be marked with his name and pasted in the said book, under the description of his person; and if the convict can write, his signature shall be placed under the said description of his person.

ART. . All the effects on the person of the convict, as well as his clothes, shall be taken from him and specially mentioned, and preserved to be restored to him on his discharge, or delivered to his curator, where one shall be appointed, pursuant to the provisions herein after contained.

ART. . If the convict is not in such ill health as to require being sent to the Infirmary, he shall then be conducted to the cell assigned to him, where he shall be kept in solitude for forty-eight hours, interrupted only by the necessary attendance of the Keeper; during this period, designed for reflection, neither books nor employment of any kind shall be allowed him.

ART. . On the third day the Chaplain shall visit him in his cell, and shall endeavour to impress on his mind as well the wickedness as the danger of vicious and unlawful pursuits, and he shall exhort him to obedience and industry during the term of his service, and urge the utility of acquiring the means of an honest support by labour on his discharge. The Warden shall then examine him, and put him to such labour as he shall seem fitest for, consulting his inclination as well as his physical powers.

SECTION II.

Of the Labour of the Male Convicts committed for a term of years.

Art. . Although labour forms part of the sentence it is annexed as an alleviation, not an aggravation of punishment. The punishment is imprisonment in solitude. All that the law provides the patient to under this confinement, is food, clothing, and lodging, sufficient for the preservation of health, but all of the coarsest kind; his health and life are the objects of attention, not his appetite or comfort. Other indulgences are the reward of industry, obedience, repentance, and reformation: these are the effects of labour; and labour, therefore, is permitted as the means of attaining them.

Art. . The advantages that are to be gained by perseverance in labour, obedience, moral conduct, and a desire to reform, are:—

1.—A better diet.

2.—A partial relief from solitude, and the means of education by the visits and lessons of the Teacher.

3.—Permission to read books of general instruction.

4.—The privilege of receiving the visits of friends or relations at proper periods.

5.—Admission into a class for instruction, after a period of good conduct that shall evince a sincere desire to reform.

6.—The privilege, after a longer probation, of labouring in society.

7.—A proportion of the proceeds of his labour on his discharge.

8.—A certificate of good conduct, industry, and skill in the trade he has learned, which may enable him to regain the confidence of society.

Art. . As these advantages are to be gained only by industry and good conduct, they are suspended and may be forfeited by idleness or irregularity; and at the expiration of the two days given for reflection, after the admission of the convict, the articles of this section are to be read to him, and he shall make his election whether he will avail himself of the indulgence they offer; should he consent, he shall be immediately set to labour; if he refuse, the offer shall not be repeated in less than six days; after a second refusal, it can only be repeated in fifteen days; and after a third, he cannot be permitted to accept it until a month's time shall have elapsed; after which, he shall be considered as having made his final election.

Art. . From among the convicts who have not, before commitment, worked at any trade, the Warden shall select a sufficient number to perform the offices of cooking and other necessary attendance in the prison. He shall prefer for this purpose those who have the shortest term to serve; but all these shall be locked up in separate cells at night.

Art. . If the convict has been used to any employment or trade that can be advan-

taneously pursued consistent with the system established by this Code, he shall be furnished with the implements of such trade, and be allowed to employ himself at it. If his trade is one that cannot, in the opinion of the Inspectors, be conveniently carried on, or is inconsistent with the system, he shall be taught an employment the most analogous to the one to which he has been bred.

Art. . If the convict has not been bred to any trade, the Warden shall employ him at such business as is best adapted to his habits of life and his strength, consulting as much as possible the inclination of the convict; and in the selection of employment, regard is to be had more to giving him an honest mode of subsistence after his discharge, than to the profit of the prison.

Art. . The regular occupation of each convict shall, for the first six months of his confinement, be carried on in the outer enclosure of his cell, in solitude, interrupted only by the visits of the Inspectors, the Warden, the Chaplain, the Teacher, the Physician, the person (if any) employed to instruct him in his trade, and the attendants with the regular meals, and by the exercise mentioned in the next article.

Art. . For the preservation of the health of the prisoners, each of them shall be made to labour one hour in every day at a hand-crank hydraulic machine, or some other, calculated to exert the muscular powers in a manner beneficial to health. This crank, or other parts of the machine to which bodily power is to be applied, shall be so placed and divided that each prisoner may labour without having it in his power to have any communication with the others employed in the same labour, and they shall be conducted separately to and from the place, under the care of an under-keeper, who shall prevent any person from having any communication with them by word or otherwise.

Art. . During the first six months of confinement the Teacher shall give to the convicts who cannot read and write a lesson to each, in regular rotation, employing himself at least seven hours in each day, until a class shall be formed, when he shall divide his time equally between the individual prisoners entitled to instruction and the classes.

Art. . At the expiration of six months each convict who has received the lessons of the Teacher during that time, and such other convicts as are desirous of receiving further instruction, shall, provided they obtain a certificate of good conduct and industry in labour from the Warden, the Chaplain, and Teacher, have the privilege of being admitted into a class, which shall receive instruction together in the school-room; but no class shall contain more than eight; no more than one class shall be assembled at a time, and the individuals composing it shall be conducted separately to and from the place of instruction.

Art. . The Warden may, when necessary for the instruction of a prisoner in any business or trade, with the permission of the Inspectors, employ a person of good character for that purpose, who shall, at proper hours, have access to such prisoner.

Art. . The Warden may, with the consent of the Inspectors, make contracts for the labour of the convicts, or any of them, with mechanics or manufacturers; but a condition of the contract shall be, that the convicts shall be taught, and employed in, some useful trade; and for that purpose a foreman or instructor, to be employed by the contractor but approved by the Warden and Inspectors, shall be admitted to the enclosures adjoining the cells of the convicts, at convenient times during the hours of labour.

Art. . The first contract shall not be for a longer period than eighteen months; and all subsequent contracts shall be made by auction and for one year; and the applicants for the contract shall be permitted, in the presence of the Warden, to examine the convicts as to their skill and ability.

Art. . If any contractor or his agent shall give or promise to any of the convicts any article of food, drink, or other article, not permitted by this Code or by the prison regulation, the contract shall be forfeited, and each offender shall pay a fine of five hundred dollars, and be imprisoned not more than thirty nor less than ten days in close custody.

Art. . After being employed for eighteen months in solitary labour, the convict, if he can procure from the Warden, the Inspectors, the Chaplain, and the Teacher (if he have been under his instruction,) a certificate of industry, good conduct, and a disposition to reform, may be admitted to a working class, not exceeding ten, to work at some useful trade; but no one shall enjoy this privilege the value of whose labour during the eighteen months shall not have exceeded the expense of his clothing and food, unless he shall have lost by sickness a number of days' labour, of which the value shall be equal to the deficiency in his account.

Art. . Each working class shall be separately employed in a different work-shop, without any communication the one class with another, and shall be under the direction of an under-keeper, who shall permit no communication between the individuals composing it but that necessary for the business, and any breach of this rule shall be punished by close confinement for such time as the Warden shall direct, and by a return to solitary labour.

Art. . At the dawn of day the convict shall be made to rise and to clear out the sleeping cell, which shall then be locked; he shall then, after washing, commence his labour, which shall continue, including the hour for exercise at the machine and the attendance on the Teacher and the time of receiving the visits of the other officers, from the rising to half an hour before the setting of the sun every day except Sundays, excepting one hour for breakfast and one hour and a half for dinner, and the supper shall be given when the work of the day is finished.

Art. . After sunset and before it is dark all the convicts shall be locked up in their separate cells.

SECTION III.

Of the Treatment of Prisoners confined for life.

Art. . The convicts who are confined for life on a third conviction, for an offence which if it had been the first, would have been punishable by imprisonment for a term of years only, shall, in all respects, be treated like the prisoners confined for a term, except that the prison uniform shall be different, and shall designate by three different colours the number of their offences.

Art. . Those convicted of murder without any aggravating circumstances, and for rape, shall be strictly confined to their respective cells and adjoining courts; in which last they may be permitted to labour, except for two months consecutively in every year, commencing on the anniversary of their crime, during which period they shall only come into the court

during the time necessary to cleanse the cell; and on the anniversary of the commission of the crime the convict shall have no allowance of food for twenty-four hours, during which fast he shall receive the visit of the Chaplain, who shall endeavour by exhortation and prayer to bring him to repentance.

Art. . Murderers of all descriptions and those convicted of rape, shall receive no visits except from the Inspectors, the Warden, officers and attendants of the prison, and from those who are constituted visitors of the prison. They shall have no books, but selections from the Bible and such other books of religion and morality as the Chaplain shall deem proper to produce repentance and fix their reliance on a future state. Their uniform and diet shall be such as is herein after directed.

Art. . Infanticides shall be treated in all respects like those guilty of unaggravated murder, except that the confinement without labour shall continue three months consecutively in each year.

Art. . Attempts shall be confined without labour for six months consecutively in every year, and treated in the manner above directed.

Art. . Parricides shall not be indulged in the performance of labour at any time, but shall be closely confined in a cell without a court, but of such dimensions as shall be sufficient for their health, and in other respects shall be treated like other murderers.

Art. . When any two of the crimes punishable with imprisonment for life, such as rape and murder, are combined, or where murder under trust is perpetrated by assassination, or parricide by poison, the convict shall receive the same treatment as is directed for parricides, except that on the return in each month of the day on which the crime was committed, they be debarred from all allowance of food for twenty-four hours, and shall, during such fast, receive the visits and exhortation of the Chaplain.

Art. . The fast shall not be suffered when the Physician shall certify that it will be dangerous to the health of the convict.

Art. . Those convicts for life who have not learned to read, may be instructed by the Teacher.

Art. . No murderers, in any degree, shall have any communication with other persons out the prison than the Inspectors and visitors; they are considered dead to the rest of the world.

Art. . The cells of murderers (in any degree) shall be painted black within and without, and on the outside thereof shall be inscribed, in large letters, the following sentence:—

"In this cell is confined, to pass his life in solitude and sorrow, A. B. convicted of the murder of C. D. [by assassination, parricide, &c. describing the offence, if of an aggravated kind]: his food is bread of the coarsest kind; his drink is water, mingled with his tears; he is dead to the world; this cell is his grave; his existence is prolonged that he may remember his crime, and repent it, and that the continuance of his punishment may deter others from the indulgence of hatred, avarice, sensuality, and the passions which lead to the crime he has committed. When the Almighty, in his due time, shall exercise towards

him that dispensation which he himself arrogantly and wickedly usurped towards another, his body is to be dissected, and his soul will abide that judgment which Divine Justice shall decree."

Art. . The same inscription, changing only the words "this cell" for the words "solitary cell in this prison," shall be made on the outside of the prison wall, in large white letters on a black ground. The inscriptions shall be removed on the death of the convicts to which they relate.

Art. . Inscriptions shall in like manner be made on the cells of those convicted of rape, and on the outer wall of the prison, to this effect: "In this cell" [or on the outer wall] "In a solitary cell in this prison,] forgotten, or remembered only to be detested and despised, lies A. B. condemned to solitude and abstinence during life, for a cowardly and brutal injury to a woman."

SECTION IV.

Of the Clothing and Diet of the Convicts.

Art. . The uniform of the prison shall be a jacket and trousers of cloth or other warm stuff for the winter, and lighter materials for the summer. The form and colour shall be determined by the Inspectors; but they shall be the same for all criminals condemned for a term, except those who have been convicted of a repetition of offences; these shall have distinctive marks on their dress, showing the number of their convictions.

Art. . Each of the convicts shall have such number of coarse linen shirts and trousers of the same material in summer as will be sufficient to give them a change twice in every week; and all shall be provided with other articles of clothing sufficient to preserve health and cleanliness.

Art. . The convicts for murder shall be clothed in black outer garments, spotted and streaked with red. Those confined for life, for any other crime, shall wear such distinctive marks on their clothing as shall be directed by the Inspectors, to designate their respective crimes.

Art. . The prison allowance of food is one pound of brown wheaten bread and one pint of mush morning and evening each day; the allowance of bread may be varied by giving three days in the week a pound and a half of Indian corn bread instead of wheaten. Water is the only liquor allowed in the prison ration.

Art. . Prisoners who labour and observe the rules of the prison are allowed, in addition to the prison daily allowance, a gill of molasses, and for four days in the week two pounds of beef or pork without bone, daily, made into six messes, varied from salt to fresh, with vegetables, and for three other days soup.

Art. . Those whose labour and industry have entitled them to work in classes, shall also be indulged with a pint of small beer, or cider diluted with water, or a mixture of vinegar and water sweetened with molasses once every day.

Art. . No prisoner, while confined to his cell without labour, is to receive any thing but the prison allowance.

Art. . No tobacco in any form shall be used by the convicts; and any one who shall supply them with it, or with wine, or spirituous or intoxicating fermented liquor, shall be fined two hundred dollars, and if an officer, be dismissed.

Art. . Any convict whose labour shall exceed the expense of his support, according to the account herein directed to be kept, shall have the privilege of directing one-tenth part thereof to be expended in the purchase of books, to be approved by the Inspectors, or such articles, excepting food or liquors, as he may desire, and as may not be inconsistent with the prison rules.

Art. . Any convict, other than those convicted of murder or rape, who has been steadily employed for eighteen months, and is guilty of no infraction of the prison discipline, may, once in every six months, receive the visit of any friend or relation, of the same sex, for not more than fifteen minutes in the presence of a keeper, on a written permission signed by two Inspectors.

Art. . No person, who is not an official visiter of the prison, or who has not a written permission from one of them, or from one of the Inspectors, is allowed to visit the same. The official visiters are, the Governor, President of the Senate, Members of the General Assembly, the Secretary of State, the Attorney General, the Judges of all the Courts in the State, the Mayor, Recorder, and Members of the City Council of the City of New Orleans, the Directors of all the charitable incorporated Societies in the City of New Orleans.

Art. . None but the official visiters can have any verbal or written communication with the convicts, nor shall any visiter whatever be permitted to deliver to or receive from any of the convicts any letter or message whatever, or to supply them with any article of any kind, under the penalty of two hundred dollars fine.

Art. . It is the duty of any visiter, who shall discover any abuse, infraction of law, or oppression, immediately to make the same known to the Board of Inspectors, or to the Governor if the Inspectors or either of them are implicated.

Art. . No male visiter shall visit the female convicts but in the presence of the Matron.

SECTION V.

Of the Treatment of the Female Convicts.

Art. . The female convicts shall, as well as the male, each be lodged in separate cells.

Art. . Such of those confined for a term of years as are capable, by their habits or strength, shall be selected by the Matron to perform the domestic services of the female division and for the washing of the clothes for the men's department. Those who are so employed shall, during the day, be kept under the inspection of the Matron or her assistants, and not suffered to have any conversation but relative to the business in which they are engaged.

Art. . The others, not so selected, shall be employed in needle-work, spinning, or other suitable occupations. They shall, on receiving the necessary certificate of order and industry from the Matron and Chaplain, be entitled to the same advantages of education and social labour that are directed for the male convicts. The classes for education and for labour may consist of such number as the Matron, with the approbation of the Warden or Inspectors, shall desire.

Art. . The regulations with respect to diet are applicable to the female department, except that the Matron may allow to the industrious and orderly, tea for their breakfast, if they prefer it to mush.

Art. . The dress for the female convicts shall be regulated by the Matron, with the approbation of the Inspectors.

Art. . Female convicts for life shall be treated in the same manner as the males, but under the direction of the Matron.

CHAPTER III.

Of the School of Reform.

SECTION I.

Of the Persons to be Admitted into the School of Reform.

Art. . All persons under the age of eighteen sentenced to imprisonment and labour (unless for life), and all vagrants under that age and above six years, shall be sent to the School for Reform.

Art. . All minors above six and under eighteen years of age, who have no visible means of honest subsistence and are not supported by any friend or relation; all common beggars within the said age of eighteen; all females under seventeen years of age, who live by prostitution in a DISORDERLY HOUSE, shall be considered as vagrants under the last article, and may, by order of the Mayor of New Orleans, or the Parish Judge and two other magistrates, be committed to the School of Reform.

Art. . All minors above nine and under the age of fifteen, who shall commit an offence of which they shall be acquitted on account of the want of sufficient discretion to know the nature of the offence, may, at the discretion of the Court, be committed to the School of Reform.

Art. . In like manner a minor, who being accused of a crime and shall be acquitted by showing that at the time of the commission thereof he was under the age of nine years, may, at the discretion of the Court, be sent to the School of Reform.

Art. . In cases of misdemeanor, committed by a minor under eighteen years of age, and punishable by simple imprisonment in close custody, the Court may also, at their discretion, send the defendant to the School of Reform.

Art. . In exercising the discretion by the three last preceding articles, the Court must consider that the object of the School for Reform is not only to punish by restraint, but to separate the juvenile offender from the association of vice, to afford him the means of education, religious and moral instruction, and instruction in some mechanic art, so as to make him a useful member of society; and that where, from the circumstances of the case, these objects will probably be attained without committing the defendant to the School of Reform, that this public institution ought not to be so burthened.

SECTION II.

Of the Mode of Reception.

Art. . Every one committed to the School of Reform shall be thoroughly cleansed, and clothed in the uniform of the house, which shall be comfortable and adapted to the season.

Art. . The name, age, sex, place of nativity of the person committed, names and place of abode and occupation of his parents, the cause of commitment, and the authority by which it was made, shall be entered in a book specially provided for that purpose by the Warden.

Art. . The Chaplain, or Teacher, and the Matron (if the person committed be a female), or the Warden (if a male), shall interrogate the party as to the course of life he has pursued, and shall make an abstract of his answers in the book above mentioned; but no other means shall be used, but those of persuasion, to obtain the truth on such interrogatory.

Art. . After some time given to solitary reflection, proportioned to the age and degree of depravity of the offender, which shall not exceed, in any case, twelve hours, the advantages of industry, obedience and attention to instruction, and the certainty of punishment for a contrary course, shall be impressed upon him by the Warden, or, if a female, by the Matron, and he shall then be instructed and employed as herein after directed.

SECTION. III.

Of the Instruction in the School of Reform.

Art. . The time of school instruction shall be one hour, to commence at sunrise, and one hour after labour in the afternoon.

Art. . The children shall be taught reading and writing in the French and English language, and arithmetic; and such of the boys as show an aptitude for learning, in the opinion of the Teacher and Warden, shall be taught geography, land surveying, and navigation.

Art. . Before the instruction begins, select portions of the Scriptures shall be read morning and evening.

Art. . Premiums of books and badges of merit shall be given to the scholars by the Warden, on the recommendation of the Teachers, to the children who shall show the most diligence and be distinguished for orderly conduct.

Art. . A small collection of entertaining and instructive books shall also be provided for the use of those who have badges of merit.

Art. . The Teacher has no greater power of correction than is given by law in ordinary schools, and it extends only to faults committed in relation to the literary instruction.

Art. . No punishment shall be inflicted on any of the females for faults committed in school but by the Matron, or in her presence.

Art. . The boys and girls shall be taught separately, and the Matron, or her assistant, shall always be present during the instruction of the girls.

Art. . Examinations of the scholars shall be had once every three months, in the presence of the Inspectors and such of the visiters as choose to attend.

Art. . The Teacher shall use the system of mutual instruction, and shall endeavour to qualify such of the children, of both sexes, as show a particular aptitude, to be themselves teachers according to the same method.

SECTION IV.

Of the Employment in the School of Reform.

Art. . All the hours between sunrise and sunset that are not hereby appropriated to instruction, to meals, or to relaxation and exercise, must be employed in labour.

Art. . The labour to be performed shall be such as, in the opinion of the Inspectors, shall be best calculated to procure a subsistence for the prisoners when they shall be restored to liberty.

Art. . Each of the boys shall be taught a mechanic art, and for this purpose the Warden shall, with the approbation of the Inspectors, contract with mechanics to find materials, to send foremen to the prison to superintend their work and teach them the different trades, paying a reasonable sum for the value of their labour. The necessary tools and implements shall be provided by the institution.

Art. . The foremen so employed by the mechanics shall be men of good characters, approved by the Inspectors; they shall remain in their respective workshops during the hours of labour, preserve order therein, and keep the boys at work, teaching them carefully all the branches of the trade; but they shall inflict no punishment, unless by direction of the Warden and in his presence, and such punishment shall be such moderate correction as a master is authorised by law to inflict on an apprentice.

Art. . The foreman shall make daily reports to the Warden of each boy under his care, for which purpose he shall keep a calendar containing the names of each of them on which he shall make marks, denoting offences, or extraordinary diligence, or good conduct, which shall be shown daily to the Warden.

Art. . Great care shall be taken to suit the employment to the physical force and

constitution of each boy; and the Warden shall frequently visit the workshops, and see that unreasonable tasks are not imposed by the foremen.

ART. . If no such contract should be offered for the labour of the boys as the Warden and Inspectors shall deem advantageous, proper persons may be employed by the Inspectors to instruct them in some mechanic art.

ART. . Besides the mechanic arts the boys shall be exercised for two periods in each day (not exceeding half an hour each time) in some laborious employment, that shall require as much as possible the exercise of all the muscular powers, to strengthen and fit them for any hard labour to which they may afterwards be called; for this purpose an hydraulic or other machine, to be moved by manual labour, shall be constructed in the enclosure of the School of Reform, and a mast, with yards and standing and running rigging, shall be erected, on which they shall be taught to climb, and prepare themselves for a seafaring life.

ART. . The tread-mill shall not be introduced into this or any other of the places of confinement established by this Code.

ART. . The girls shall be taught needle-work, and be employed in washing, ironing, baking, and other works of housewifery; and they may also be taught such trades as women are usually employed in, at the time and place in which they are confined. The Matron shall superintend this part of their employment, and none but female instructors in any branch, except the school-master, shall be admitted into their department.

ART. . The children of both sexes shall, by turns, be employed in the menial service of the establishment to which they belong—waiting at the table, cleaning the workshops and eating-rooms, and other places for the common resort of the persons confined; but each one is bound to sweep and clean his own cell.

SECTION V.

Of the Distribution of Time in the School of Reform.

ART. . At the dawn of day all the prisoners, except those in the Infirmary and those confined to solitude for a breach of prison discipline, shall leave their cell; each one shall put up his bed, remove every thing that ought to be removed, and sweep the cell, which shall be locked.

ART. . Each one shall then wash, and twice every week, when the weather will permit, shall bathe. They shall then assemble in the school-room, when a select portion of scripture and prayers shall be read; the school shall then be opened, and the instruction continue for one hour; immediately after which breakfast shall be served.

ART. . After breakfast half an hour shall be allowed for exercise in the court, but always in the presence of the Warden, or some officer of the establishment for the boys, or of the Matron or her assistant for the girls; immediately after the expiration of this half hour, the boys shall be put to labour, for another half hour, on the machine mentioned in the last preceding section, and the girls be allowed to continue their exercise.

ART. . The boys shall then be conducted to the workshops, where they shall be employed for three hours and a half; at the expiration of which time they shall wash and go to dinner, and after dinner shall have another half hour for exercise, and labour on the machine, and then be employed in the shops until an hour before sunset, when they shall again assemble for instruction in the school for an hour; after the evening school, half an hour shall be given for exercise, and then each one shall be locked in his separate cell.

ART. . In the summer the Inspectors may dispense with the hard labour in the heat of the day, and appropriate it to instruction by education, at their discretion.

ART. . On the certificate of the Physician, that the labour, or any part of it, cannot be undergone by any one of the persons confined without danger to his health, it shall be remitted or modified by the Warden.

SECTION VI.

Of Diet, Lodging, and Clothing.

ART. . The diet shall be, for breakfast, coffee made of parched grain, and mush alternately, both sweetened with molasses, and corn bread; for dinner, beef or mutton soup, with vegetables and corn bread, and a quarter of a pound of the flesh of which the soup is made, for each, for four days in the week—three days, fish or pease soup without meat; supper, the same as the breakfast. At all the meals, there must be bread of sufficient quantity to satisfy their hunger; and when the state of the market will permit, wheat bread may be substituted for corn. Water is the only drink allowed.

ART. The Inspectors may, when circumstances require it, change the ration of food, but it must always be coarse, but abundant and nutritive.

ART. . Each of the persons confined shall lodge in a separate cell, shut with a door having grates at the top and bottom, which, in cold weather, the occupant may cover with a sliding shutter on the inside. The cell shall contain a box for a night-pan, and a sheet of canvas, stretched by loops at the four corners and suspended by hooks in the corners of the cell for a hammock, with sheets and one blanket for summer, and two blankets and a corn-husk mat in winter. This bedding shall be aired and washed at such periods as the Physician or Warden shall direct.

ART. . For the boys the clothing shall consist of a cap, a shirt and jacket and trousers of coarse linen or cotton, and shoes, for the summer; a jacket and trousers of cloth, with socks and shoes, for the winter; the linen to be changed once a week in winter and twice a week in summer. The clothing for the girls shall be directed by the Matron with the approbation of the Inspectors.

SECTION VII.

Of the Police of the School of Reform.

ART. . The Warden shall see that every one confined in the male department, excepting those in the Infirmary, is locked up in his separate cell, at the time for that purpose before

designated, and that all the fires in every part of the building are extinguished. No light, under any pretence, is permitted in the cells; but lights shall be kept during the night in the galleries and passages leading to them.

Art. . A reflected light may be thrown into the cells of such as may desire to use the interval between the locking of the cell and nine at night in reading or study, but it shall be continued in favour of those only who can show the Teacher on the following morning that they have used it to advantage.

Art. . A watch shall be kept at night by one of the underkeepers, and the Warden may also employ with the keeper such of the boys, by turns, as may show by their conduct that such confidence may be reposed in him.

Art. . The roll shall be called of all the persons confined at the opening of the school in the morning, and at night previous to the retiring; and the names of all those employed in the different workshops shall also be called at the hours of labour.

Art. . The meals shall be taken in the presence of the Warden or some other officer of the establishment. The males shall be divided into classes of ten, who shall be seated at separate tables, and one of the boys the most distinguished for his orderly conduct, in each class, to be called the captain of the class, shall preside at each table; he shall see that silence is observed during the meal, shall designate two of the class, by regular rotation, to wait on the others, and take care that each one receives his full allowance, and he shall report all breaches of order to the Warden.

Art. . The captain of the class may be degraded for negligence or misbehaviour; and where several boys in a class are equally deserving, they shall have the distinction by turns weekly.

Art. . During the hours of recreation, no sports but those which exercise the body shall be allowed, and no wagering permitted; but the Warden may award prizes for dexterity or skill.

Art. . The utmost attention must be paid to cleanliness in the persons, clothing, and bedding, and every part of the establishment; and it is part of the duty of all the officers employed, of the visiters, and particularly of the Physician, to report to the Warden every infraction that may be observed of this rule. There shall be a bathing room for each of the sexes, and all the persons confined shall be forced to bathe at least twice in every week during the seasons that will admit of it.

SECTION VIII.

Of Rewards and Punishments

Art. . The rewards shall consist of badges, prizes of books, the use of the library, and marks of distinction and confidence, such as being made captain of a class, watchmen, or monitors in the school. They shall be conferred by the Matron for the female department, by the Warden for the male, and by the Inspectors for both; but all rewards, for merit in school, shall be on the recommendation of the Teacher.

Art. . The punishments are, deprivations of distinctions formerly obtained; such moderate personal castigation as does not draw blood, leave a permanent mark, or unfit the child for immediate attention to his instruction or labour; common diet; degradation from the class; confinement in solitude, or in a straight waistcoat or arm straps.

Art. . Irons or chains are not permitted under any pretence.

Art. . The Teacher may preserve order in the school for boys by the moderate chastisement mentioned in the second article of this section; in the female school he may direct it to be done by the female teachers. None of the other punishments can be inflicted but by order of the Warden, or, if on a female, but by order of the Matron, subject always to the revision of the Warden.

Art. . All the punishments may be continued, or be directed to cease by the Inspectors, or any two of them.

Art. . Escape or attempt to escape, violence used towards any officer of the establishment, a refusal to work or receive instruction, or an attempt to persuade others to resist the authority of the officers, shall be punished by all the kinds of punishment above enumerated, for such period as the Inspectors and Warden, or Inspectors and Matron may direct.

Art. . The Warden and the Matron, with the approbation of the Inspectors, shall frame rules for the preservation of order, not contrary to any thing contained in the Code or this Chapter. The said rules shall designate what breaches shall be punishable by any of the penalties above enumerated and in what degree. These rules shall be put up in the different work-rooms, schools, and cells—shall be read to every one on his reception in the house, and shall be rigidly enforced.

SECTION IX.

Of the Discharge from the School of Reform.

Art. . Discharges from the School of Reform may be either by the expiration of the term of service or by apprenticeship.

Art. . Whatever may be the term of imprisonment designated by law for the offence of which the party sent to the School of Reform is convicted, such party cannot be discharged (unless by apprenticeship), if a female, before she has attained the age of nineteen, or if a male, before twenty-one.

Art. . Those who are sentenced for a term that will not expire until after they have respectively attained the ages mentioned in the last preceding article, and whose conduct has not entitled them to the recommendation herein after mentioned for apprenticeship, shall, within six months after attaining the ages aforesaid, be transferred to the Penitentiary to serve out the remainder of the term.

Art. . Those who are entitled to the recommendation, and who have not been apprenticed for some other cause, shall be discharged after having attained the age of twenty-two

if a male, or twenty if a female, although the term of imprisonment in the sentence be for a longer time.

Art. . The Warden is authorised to bind out, by indentures of apprenticeship, such of the prisoners confined as come within the description contained in the next succeeding article; and the indentures shall impose the same obligations and give the same rights and remedies as indentures of apprenticeship made by a parent or guardian, with the assent of the minors, under the civil law of the State.

Art. . In order to be legally bound, pursuant to the last article, the apprentice must have been two years in the School of Reform; he must have learned to read, write, and understand the first three rules in arithmetic; and must have obtained a certificate signed by the Warden, (and if a female by the Matron), approved by the Inspectors, declaring that the moral conduct and diligence of the party has evinced such a reformation as, in their opinion, will render it safe to receive him as an apprentice.

Art. . The duration of the apprenticeship shall be until the party bound shall attain the age of twenty-one if a male, or nineteen if a female, unless, at the time of making the indenture, the male apprentice shall have attained nineteen years of age, or the female seventeen; in which case the indenture may be for three years, if the term of the sentence does not expire before; but if the term should expire before, the apprentice cannot be bound for a longer term than the attainment of twenty-one years for a male, or nineteen for a female, without his or her consent, and then only for the said term of three years.

Art. . The male apprentices shall be put out, if possible, to mechanics of the same trade they have been taught in the School of Reform; if no mechanic pursuing the same profession offers, some other demanding, as near as may be the same species of labour, shall be preferred; but whatever trade may have been taught to the apprentice, he may, by his own consent, be apprenticed to a farmer or a mariner.

Art. . The conditions of the articles of apprenticeship shall be, on the part of the apprentice, obedience to lawful commands, and diligence, sobriety, and honesty; on the part of the master, that he will perfect the apprentice in the trade he has been taught, or teach him the new business if such be the case, that he will continue his schooling at least one day in the week, that he will provide him necessary food, clothing, lodging, medical assistance, and that, at the end of the period, he will give him new clothing and a sum of money to be specified in the indenture, and such as the Warden and the master shall think reasonable.

Art. . No one shall be apprenticed to any one residing out of the State, nor shall the indenture be assignable without the assent of the apprentice.

Art. . The clause relating to the teaching and perfecting in a trade or business, is not indispensable in the indenture of a female.

Art. . No female shall be indented to an unmarried man, or to a married man living apart from his wife.

Art. . It shall be a condition in the indenture between the Warden and the master, that a report shall be made once in every year of the conduct of the apprentice to the Warden; and if he has reason to believe that his reformation is complete, that he will permit him, if

within the City of New Orleans or its suburbs, to visit the School and converse with the others still there.

Art. . The convict at the time of his discharge, whether apprenticed or not, shall be comfortably clad, and the Inspectors, at their discretion, may make him an allowance in money, or deliver him books or tools, if they are satisfied with his conduct.

SECTION X.

Of Visits.

Art. . Besides the persons created visiters of all the places of confinement by this Code, and those who may receive permission from them, the parents or those related in the second degree to the persons confined in the School of Reform, may visit them on stated days, to be appointed by the Warden; but when he is apprehensive that evil counsels may be given, it shall always be in the presence of an officer.

CHAPTER IV.

Of the Pecuniary Concerns of the several Places of Confinement.

Art. . The Board of Inspectors shall appoint an Agent, who shall make all purchases and sales on account of all the several places of confinement, including the House of Refuge and Industry, keeping regular sets of mercantile books for each of the said institutions, which may be examined by the Inspectors, the Wardens, or any of the visiters.

Art. . The compensation of the Agents shall be fixed by the Inspectors, with the approbation of the Governor.

Art. . The regular supplies of provisions, and of all other articles consumed or used in the said institutions in considerable quantities, shall be furnished by contract, and adjudged after advertisement to the lowest bidder: but the Wardens shall examine the articles furnished, and have the right to reject such as are not of the quality contracted for. The Physician shall, in like manner, inspect the medicines and hospital furniture.

Art. . All the articles manufactured in either of the said places which are not made for manufacturers by contract, in the manner herein after provided, shall be sold by the Agent to the best advantage, under the direction of the Inspectors.

Art. . Regular and minute accounts of the receipts and expenditures of each place of confinement, including the House of Refuge, shall be furnished each quarter by the Inspectors to the Governor, and yearly accounts to the Legislature on the first day of their annual meeting.

Art. . All moneys appropriated by the Legislature for the use of either of the said places, shall be drawn for by the Board of Inspectors as the same may be wanted, in favour of the

Cashier of the Louisiana State Bank, and shall by him be carried to the credit of the Board of Inspectors, in an account to be opened with them in their official capacity, for the use of the particular institution for which the appropriation is made (naming it in the account) between the Bank and the Inspectors.

Art. . Whenever the amount of money in the hands of the Agent, received on account of either or all of the institutions, shall exceed three hundred dollars, he shall, within two days, deposit the same in the said Bank to the credit of the account opened with the Inspectors for the use of the prison to which it belongs.

Art. . No money shall be drawn from the Bank, on either of the said accounts, but by a draft signed by a majority of the Inspectors, specifying on account of which prison it is drawn, for what purpose, and to whom the amount is due.

Art. . All accounts or demands against the prisons shall be examined, allowed, and paid by the Inspectors; and when they meet to settle such accounts, the Agent shall act as their Clerk and shall make regular entries in the books of all receipts and expenditures, to the account of the institution to which they belong; but a sum, not exceeding one hundred dollars, may be placed in the hands of each Warden, and as much in the hands of the Agent, to pay current expenses, to be accounted for monthly to the Inspectors.

Art. . If either the Inspectors or the Agent shall fail in making any deposit in the manner and at the time directed by either of the three last preceding articles; or if the Inspectors, or either of them, shall draw out of the Bank any moneys belonging to or appropriated for either of the said places of confinement, including the House of Refuge, in any other manner than is above directed, the person so offending shall pay a fine of five hundred dollars; and if any of the said moneys which are either not deposited when by the said articles or either of them they ought to be, or are drawn out of the Bank contrary to the directions of this chapter, shall be applied to any other use than to that of the said institutions, or one of them, the person guilty of such misapplication shall be dismissed from his office, be imprisoned, in close custody, for sixty days, and pay a fine of one thousand dollars.

Art. . The Wardens of the several prisons shall deliver to the Agent all the articles manufactured in their prisons respectively, which are not necessary for the use of such prison, except those articles manufactured in the House of Detention by the prisoners there who have provided their own materials, or who have made a different arrangement with the Inspectors for the disposal of the proceeds of their labour; and excepting also the articles made for manufacturers, by contract, in the Penitentiary, School of Reform, and House of Refuge and Industry.

Art. . The Wardens of the Penitentiary and of the School for Reform shall each be allowed, in addition to their salaries, per cent. on the gross amount of sales by the Agent of the articles manufactured in their prisons respectively, after deducting only the cost of the materials employed in the articles so sold; and also per cent. on the amount of sums paid for the labour of the convicts by manufacturers; but this allowance shall be forfeited for every year in which the Warden shall use any other means than those authorized by this Code to induce the convicts to labour, either by way of punishment or reward.

Art. . The average number of deaths in the principal Penitentiaries of the United States having been found to be about in every hundred annually, (taking the average of the

number of prisoners confined at all times during the year as the basis of the calculation for the whole number,) as an encouragement to use greater care and attention in lessening this rate of mortality, if the said proportion shall be in any one year reduced in the Penitentiary of this State more than one-half of that average, the Governor shall present to the Physician books, surgical instruments, or plate, of the value of dollars, which testimonial shall be doubled in value if the proportion be reduced more than three-fourths.

Art. . The average number of re-convictions in the principal cities of the Union having been found to be about in every hundred annually of those committed to the Penitentiary in those cities—to lessen this proportion is the object of the reformatory part of prison discipline. To incite, therefore, the officers to a zealous discharge of this part of their duty, if in any one year, succeeding the third year after this Code shall have gone into operation, the number of re-commitments to the Penitentiary shall be less, in any one year, by one-half than that portion, an honorary testimonial of that fact, consisting of a piece of plate of the value of dollars, shall be presented by the Governor to the Inspectors, the Wardens, the Chaplains, and Teachers, of the said prison; the value of which plate shall be doubled in any year in which the said proportion is reduced to less than three-fourths of the average above stated.

Art. . A similar testimonial shall be given to the Matrons, if the like reduction takes place in the recommitments of the female convicts.

Art. . The amount requisite for the purchase of the testimonials aforesaid, shall be taken from the Recompense Fund, created by the Code of Criminal Procedure.

CHAPTER V.

Of the Discharge of the Convicts.

Art. . Whenever a convict shall be discharged by the expiration of the term to which he was condemned, or by pardon, he shall take off the prison uniform and have the clothes which he brought to the prison restored to him, together with the other property, if any, that was taken from him on his commitment, that has not been otherwise legally disposed of.

Art. . A copy of his account with the prison, made out in the manner herein before directed, shall be given to him; and if the proceeds of his labour produce any balance in his favour, one half of such balance shall be paid him.

Art. . Before the convict is dismissed, the Chapter of the Penal Code, "Of the Repetition of Offences," shall be read to him.

Art. . If the Warden, the Chaplain, and the Teacher, have been satisfied with the morality, industry, and order of his conduct, they shall give him a certificate to that effect.

Art. . One or more of the Inspectors shall be present whenever a convict is discharged, who, as well as the officers of the prison, shall inquire into his future prospects and designs; shall aid him in an endeavour to procure an honest support, or to return to his friends; shall

exhort him to perseverance in habits of industry; and if he can find no other employment, and is desirous of maintaining himself by labour, the Warden shall admit him into the House of Refuge, herein after provided for.

Art. . If the Warden shall discover that any discharged convict, instead of seeking to maintain himself by labour, shall associate with the idle and profligate, he shall immediately proceed against him as a vagrant, under the provisions for that purpose contained in the Code of Criminal Procedure.

CHAPTER VI.

How the Property of Persons condemned for Crime shall be disposed of.

SECTION I.

Of the Property of Convicts condemned to Imprisonment and Labour for a Term.

Art. . The property of convicts condemned to imprisonment and labour, may be administered by Curators during the term for which they are condemned. The letters of curatorship are revoked by their pardon or discharge; but such revocation does not invalidate legal acts done by the Curator.

Art. . Any person who would be entitled to the curatorship of the convict, had he died on the day judgment was pronounced against him, shall be entitled to the curatorship.

Art. . The mode of proceeding to obtain the letters of curatorship shall be the same as that prescribed in case of death, except that, instead of alleging and proving the death of the party, the record of his condemnation shall be produced to the Judge.

Art. . The curatorship, in case of condemnation, carries with it all the consequences, responsibilities, rights, and duties, that result from a curatorship to a person deceased.

Art. . Curators and Tutors may also be appointed to the persons and estates of the children of the convict, in the like manner and to the same persons who would have been entitled to the said offices if the convict had been dead.

Art. . The curatorships and tutorships, mentioned in the last article, are the same as to all rights, duties, and responsibilities, as they would have been had the appointment been made after the death of the convict; but they are revoked by his pardon or discharge, except in cases where his sentence incapacitates him from exercising those trusts.

Art. . Those who would have been the heirs of a convict, sentenced to imprisonment for a term, cannot take the estate out of the hands of the Curator; but if he have relations in the ascending or descending line, whom he was bound by law to support, the Curator shall, out of the estate, provide for their sustenance.

Art. . All property given, or in any manner whatever accruing to a convict in the

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Penitentiary, shall vest in his Curator, if he be sentenced for a term of years, to be disposed of in like manner with his other property; or if he be sentenced for life, shall vest in his heirs.

SECTION II.

Of the Disposition of the Property of Convicts sentenced to Imprisonment for Life.

Art. . The same disposition shall be made of the estate of a person sentenced to imprisonment for life, as if he had died on the day sentence was pronounced; and any last will and testament or codicil he may have made prior to that time, shall take effect in the same manner as if he had died on that day.

Art. . But no disposition of any estate, either by will or otherwise, after the arrest for crime, of which the prisoner was convicted, in the case of any crime whether the sentence is for life or otherwise, shall be valid against the claim of the person entitled to a suit for the private injury committed by the crime, unless such disposition was made for a valuable and equivalent consideration to a person ignorant of the arrest.

TITLE III.

OF THE HOUSE OF REFUGE AND INDUSTRY.

CHAPTER I.

Of the Design of this Establishment.

Art. . The object of this establishment is twofold; the first, to afford the means of voluntary employment to those who are able and willing to labour, and gratuitous support to those who are not; the second object is, to coerce those who, although capable of supporting themselves, prefer a life of idleness, vice, and mendicity, to one of honest labour.

Art. . As a House of Refuge, it is intended to afford to the discharged convict the means of support by voluntary labour, until, by degrees, he may regain the confidence of society; to prevent those offences of which poverty and want of employment are the real or pretended cause; and to relieve private charity from the unequal burthen of supporting the mendicant poor.

Art. . As a House of Industry, the establishment is intended to be a place of coercion and restraint for vagrants and able-bodied beggars; for the first, because their mode of life raises a just presumption that it is sustained by illegal depredations on a society to which they do not properly belong; for the second, because, by false pretences of inability, they impose on the charity of the public; and for both as a measure of preventive justice, because their

voluntary idleness, unless corrected, will inevitably conduct them to vice, and crimes, and punishment.

CHAPTER II.

Of the different Departments of the House of Refuge and Industry, and of the Description of Persons Admitted to, and Confined in each.

ART. . The House of Refuge and Industry shall consist of two departments; the one for voluntary, the other for forced labour; both shall be under the direction of the same Warden; and the one shall be called the House of Refuge, and the other the House of Industry.

ART. . In the House of Refuge shall be admitted all such discharged convicts as may be desirous of gaining a subsistence by labour; all public mendicants who allege a want of employment as the reason for asking public charity, or who, from age, infirmity, and poverty, are incapable, in part or in the whole, to support themselves, and have no relations, who, by law, are bound to support them.

ART. . To the House of Industry shall be committed all vagrants above the age of eighteen, and all able-bodied beggars, above that age, who refuse to labour in the House of Refuge, or elsewhere, when employment is offered to them.

ART. . In each department the women shall be kept separate from the men, and they shall be under the superintendence of a Matron.

ART. . The building shall be so constructed as to separate the two departments, and shall contain separate sleeping cells for each of the persons confined in the House of Industry, and for each of the discharged convicts in the House of Refuge. The paupers shall be disposed of in comfortable apartments, in the manner that the Warden (subject to the direction of the Inspectors) shall direct.

CHAPTER III.

Of the Officers of the House of Refuge and Industry, and of their Duties.

ART. . This establishment shall be under the direction of the Board of Inspectors, in this Code before provided for; who shall, in relation to this, have the same powers and be subject to the same duties that are before provided in relation to the other places of confinement.

ART. . The Warden shall be appointed by the Governor, and the Warden shall appoint as many assistants as the Inspectors shall deem necessary.

Art. . The Matron shall be also appointed by the Governor, and shall name such number of female assistants as the Inspectors shall direct.

Art. . The Physician and Chaplains shall also attend in their professional capacities on the persons admitted or detained in the House of Refuge and Industry.

Art. . The agent of the Inspectors shall also be their agent for the sales and purchases of this institution.

Art. . The accounts shall be kept by a Clerk to be named by the Inspectors.

Art. . All the above named officers shall perform the same duties and have the same powers, with respect to the House of Refuge and Industry, and to the persons received or committed therein, as are required of and are give to them respectively, with respect to the Penitentiary and the persons confined therein, except so far as the same are modified by this Title.

CHAPTER IV.

Of the Admission into the House of Refuge, and of the Employment of the Persons admitted.

Art. . The House of Refuge and Industry shall be erected as near as conveniently may be to the City of New-Orleans, not more than one league distant from the City-Hall of the said City. Annexed to it shall be a garden of at least three superficial acres. The building shall be made on a plan to be approved by the Governor, and sufficient in all respects to carry into effect all the provisions of this Title.

Art. . Discharged convicts shall be admitted on their own application to the Warden, and on their agreeing to observe and be bound by the rules of the said House and the provisions of this Title, of which, so far as respects their conduct and obligations, an abstract shall be read to them, and which they shall sign.

Art. . Able-bodied paupers, willing to labour but unable to find employment, shall, in like manner, be admitted on their own application, and on their signing an agreement to observe the rules of this House and the provisions of this Title which respects them.

Art. . All paupers, unable to provide for their own subsistence, shall be admitted to the House of Refuge on the order of the Jury of Police of the Parish to which they belong, or of the City Council, if they belong to the City of New-Orleans.

Art. . The Inspectors shall provide the implements, materials, and other means of giving employment to all the persons admitted into the House of Refuge, adapted to their strength, age, sex, and skill respectively, except such as shall, on examination by the Physician, be declared incapable of doing any thing towards their support.

Art. . No person who shall be admitted into the House of Refuge shall leave the same without permission of the Warden, or without giving at least one month's notice of an

intention to leave the same; and any person absenting himself, contrary to this rule, may be arrested on a warrant to be issued by the Warden and one of the Inspectors, and confined in a solitary cell for a term not exceeding three days.

ART. . Any person who shall leave the House of Refuge, either by permission of the Warden or otherwise, and shall be found soliciting charity as a PUBLIC BEGGAR, may be arrested, and by the warrant of the Parish Judge and two Magistrates of the Parish, where such mendicant may be found, shall be committed to the House of Industry as a vagrant.

ART. . Any person admitted into the House of Refuge, who shall refuse or neglect to perform the labour assigned to him, may, if the Inspectors shall think that the task assigned is not greater or more difficult than the strength or skill of the person can perform, be committed to the House of Industry for such time, not exceeding ten days for each offence, as the Inspectors shall direct.

CHAPTER V.

Of the Police of the House of Refuge.

ART. . The Inspectors may make rules for the preservation of order and industry in the House, and may punish breaches thereof in the manner such rules may direct, either by imprisonment in a solitary cell, or by commitment to the House of Industry; provided that such imprisonment shall not exceed three days, or such commitment be for a longer term than ten days, for any offence against such rules.

ART. . The two sexes shall be kept separate in the House of Refuge, in two distinct apartments; but boys, under seven years of age, may be kept with their mothers, or, if they have none, by proper nurses, under the care of the Matron.

ART. . Children of paupers, between the ages of seven and eighteen, may be sent to the School of Reform by the Inspectors, at their discretion, when the friends or relatives of such children do not provide for their education or support.

ART. . The Matron shall apportion the tasks of the females in both departments of the House of Refuge and Industry, and shall superintend their labour, and report all delinquencies to the Warden or Inspectors, to be furnished in the same manner as those of the males.

ART. . The Warden and Matron respectively shall appoint, from among the persons admitted into the House of Refuge, a male and female teacher, who shall give lessons in reading, writing, and arithmetic, to such of the persons admitted or confined as may be ignorant of these branches of learning, at such hours as the Warden shall direct.

ART. . No wine, or spirituous or intoxicating liquors of any kind, shall, under any pretence, be used by those admitted into the House of Refuge or of Industry, unless by prescription of the Physician.

ART. . Permission may be given to such of the persons as are most orderly and industrious

to see their friends out of the House on Sundays, or to attend divine service in the City of New-Orleans.

CHAPTER VI.

Of the House of Industry, its Police, and the Employment of the Persons confined therein.

ART. . The time and place of labour, and the intervals given for other purposes, shall be the same in the House of Industry as that directed by this Code for the convicts in the Penitentiary.

ART. . The prison ration for those who labour and for those who are idle shall be the same as in the Penitentiary. The same privations, punishments, and restraints, may be inflicted for idleness, or the breach of any of the rules established by the Inspectors or by this chapter.

ART. . The same accounts shall be kept with persons confined, and the same allowance for excess of labour above the charges, shall be made.

ART. . Whatever is directed for the reception of convicts in the Penitentiary shall be observed when any one, committed to the House of Industry, shall be received, except the prison uniform, which shall not be given unless the clothing of the person convicted is not sufficient for health or cleanliness.

ART. . The labour of the persons confined in the House of Industry may be contracted for in the same manner as that of the convicts in the Penitentiary; or when not contracted for, it is to be carried to the account of the establishment; and the articles manufactured are to be disposed of in the same way as is directed for the Penitentiary.

CHAPTER VII.

Of the Pecuniary concerns of the House of Refuge and Industry.

ART. . The accounts of the two departments, the House of Refuge and the House of Industry, shall be kept in separate sets of books by the Clerk, under the inspection of the Warden and the Inspectors.

ART. . In the books of the House of Refuge all the expenses of the paupers, sent by any Parish or City, shall be charged to such Parish or City respectively, and they shall be credited with the amount of the earnings of such paupers.

ART. . In the expenses, mentioned in the preceding article, shall be included, not only the food, clothing, medicine, and other articles provided for such paupers, but a just proportion of the salaries of the Warden and other officers and attendants of the House of Refuge and Industry, calculated on the average of persons in the said House.

ART. . One-fourth part of the salaries of the Inspectors, of the Chaplains, and Physician, shall also, in such account, be considered as chargeable to the House of Refuge and Industry, and a due proportion of that fourth (divided as is above directed by the average number of the persons in the said House) shall be also included in the expenses charged to the Parishes as aforesaid.

ART. . Whatever sum is found due on such account, if not paid on demand by the City or Parish from which it is due, shall be added to the quota of the State taxes, payable by such City or Parish, and be collected and paid into the public treasury in like manner with the rest of the State taxes.

ART. All the expenses of the other persons admitted or confined in the said House, shall be paid by the State, without any counter charge.

ART. . A detailed account of all the expenditures and receipts of the said House shall be laid before the Legislature, by the Inspectors, on the first day of every session.

ART. . The salary of the Warden shall be dollars per annum, and of the Matron dollars, and each of the assistants shall be paid a day.

GENERAL PROVISIONS

Applicable to the whole Code of Reform and Prison Discipline.

ART. . If any one shall, for hire, reward or emolument of any kind whatever, or the promise of any, solicit the pardon of any one convicted of any offence, or procure any other to sign a petition for such pardon, or to apply for the same, he shall be fined five hundred dollars, and if he be a counsellor or attorney, he shall be suspended from practising as such in any court in the State for one year.

ART. . The Inspectors, Chaplains, Teachers, Physicians, Wardens, Matrons, Assistants, and Under-keepers, appointed by virtue of this Code, shall, before they enter on the performance of their respective duties, take an oath faithfully to perform the same.

END OF THE CODE OF REFORM AND PRISON DISCIPLINE.

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